

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ELLISTON CALLWOOD,

Petitioner,

v.

CASE NO. 10-3182-RDR

CLAUDE CHESTER,

Respondent.

O R D E R

Before the court is a petition seeking habeas corpus relief under 28 U.S.C. § 2241, filed pro se by a prisoner incarcerated in a federal facility in Leavenworth, Kansas. Also before the court is a form motion for seeking leave to proceed in forma pauperis under 28 U.S.C. § 1915 in this matter. Neither pleading contains petitioner's signature.

Plaintiff is advised that any pleading submitted to the court for filing must contain the original signature of the plaintiff. See Fed.R.Civ.P. 11(a) ("Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name--or by a party personally if the party is unrepresented."); D.Kan. Rule 5.1(b) ("The original of every pleading, motion or other paper filed by a party not represented by an attorney shall bear the genuine signature of such pro se party."). See also 28 U.S.C. § 2242 ("Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.").

The court grants petitioner additional time to resubmit both documents with an original signature. The failure to do so in a timely manner will result in this action being summarily dismissed without prejudice, and without further prior notice to petitioner.

IT IS THEREFORE ORDERED that petitioner is granted thirty (30) days to resubmit his petition and motion for leave to proceed in forma pauperis, with original signatures on each resubmitted document.

The clerk's office is to provide petitioner with copies of Documents 1 and 2, which petitioner may resubmit with an original signature.

DATED: This 20th day of October 2010, at Topeka, Kansas.

s/ Richard D. Rogers
RICHARD D. ROGERS
United States District Judge